

Senate File 457 - Reprinted

SENATE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1214)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the rights of peace officers and public safety
2 and emergency personnel.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1993SV 82
5 jm/es/88

PAG LIN

1 1 Section 1. NEW SECTION. 80F.1 PEACE OFFICER, PUBLIC
1 2 SAFETY, AND EMERGENCY PERSONNEL BILL OF RIGHTS.
1 3 1. As used in this section, unless the context otherwise
1 4 requires:
1 5 a. "Complaint" means a formal written allegation signed by
1 6 the complainant or a written statement by an officer receiving
1 7 an oral complaint stating the complainant's allegation.
1 8 b. "Formal administrative investigation" means an
1 9 investigative process ordered by a commanding officer of an
1 10 agency or commander's designee during which the questioning of
1 11 an officer is intended to gather evidence to determine the
1 12 merit of a complaint which may be the basis for seeking
1 13 removal, discharge, or suspension, or other disciplinary
1 14 action against the officer.
1 15 c. "Informal inquiry" means a meeting by supervisory or
1 16 command personnel with an officer who is the subject of an
1 17 allegation, for the purpose of resolving the allegation or
1 18 determining whether a formal administrative investigation
1 19 should be commenced.
1 20 d. "Interview" means the questioning of an officer who is
1 21 the subject of a complaint pursuant to the formal
1 22 administrative investigation procedures of the investigating
1 23 agency, if such a complaint may be the basis for seeking
1 24 removal, discharge, or suspension, or other disciplinary
1 25 action against the officer. "Interview" does not include
1 26 questioning as part of any informal inquiry or questioning
1 27 related to minor infractions of agency rules which will not
1 28 result in removal, discharge, suspension, or other
1 29 disciplinary action against the officer.
1 30 e. "Officer" means a certified law enforcement officer,
1 31 fire fighter, emergency medical technician, corrections
1 32 officer, detention officer, jailer, probation or parole
1 33 officer, communications officer, or any other law enforcement
1 34 officer certified by the Iowa law enforcement academy and
1 35 employed by a municipality, county, or state agency.
2 1 f. "Statement" means the statement of the officer who is
2 2 the subject of an allegation in response to a complaint.
2 3 2. This section is not applicable to a criminal
2 4 investigation of an officer.
2 5 3. A formal administrative investigation of an officer
2 6 shall be commenced and completed in a reasonable period of
2 7 time and an officer shall be immediately notified of the
2 8 results of the investigation when the investigation is
2 9 completed.
2 10 4. An officer shall not be compelled to submit to a
2 11 polygraph examination against the will of the officer except
2 12 as otherwise provided in section 730.4, subsection 3.
2 13 5. An officer who is the subject of a complaint, except a
2 14 complaint against the officer alleging domestic abuse or
2 15 sexual abuse, may obtain a copy of the complaint prior to an
2 16 interview pursuant to procedures established in the applicable
2 17 collective bargaining agreement. However, if the applicable
2 18 collective bargaining agreement does not specify such

2 19 procedures, or if the officer is not covered by a collective
2 20 bargaining agreement, the officer shall be provided with a
2 21 copy of the complaint, except a complaint against the officer
2 22 alleging domestic abuse or sexual abuse.

2 23 6. An officer being interviewed shall be advised by the
2 24 interviewer that the officer shall answer the questions and be
2 25 advised that the answers shall not be used against the officer
2 26 in any subsequent criminal proceeding.

2 27 7. An interview of an officer who is the subject of the
2 28 complaint shall be electronically recorded.

2 29 8. The officer shall have the right to have legal counsel
2 30 or a union representative, or both, present during the
2 31 interview of the officer, at the expense of that officer.

2 32 9. If a formal administrative investigation results in the
2 33 removal, discharge, or suspension, or other disciplinary
2 34 action against an officer, copies of any witness statements
2 35 and the investigative agency's report shall be timely provided
3 1 to the officer, upon the request of the officer.

3 2 10. An interview shall be conducted at any facility of the
3 3 investigating agency.

3 4 11. If an interview is conducted while an officer is off
3 5 duty, the officer shall be compensated as provided by law, or
3 6 as provided in the applicable collective bargaining agreement.

3 7 12. If a complaint is determined by the investigating
3 8 officer to be intentionally false, the investigating officer
3 9 shall be responsible for filing the necessary paperwork with
3 10 the county attorney's office in order for the county attorney
3 11 to make a determination as to whether to charge the person
3 12 with making a false report in violation of section 718.6.

3 13 13. Except as otherwise provided by law, an officer shall
3 14 have the right to bring a civil suit against any person,
3 15 agency, organization, business, or any other legal entity for
3 16 damages, including pecuniary damages, arising out of the
3 17 filing of a false complaint against the officer.

3 18 14. Notwithstanding any other provision of state law to
3 19 the contrary, an officer shall not be denied the opportunity
3 20 to be a candidate for any elected office. An officer may be
3 21 required, as a condition of being a candidate, to take a leave
3 22 of absence during the campaign. If the officer is subject to
3 23 chapter 341A and is a candidate for county sheriff, the
3 24 candidate, upon the candidate's request, shall automatically
3 25 be given a leave of absence without pay as provided in section
3 26 341A.18.

3 27 15. An officer shall have the right, as any other citizen,
3 28 to engage in political activity except while on duty. An
3 29 officer shall not be required to engage in political activity
3 30 by the officer's agency, a representative of the officer's
3 31 agency, or any other agency.

3 32 16. An officer shall not be discharged, disciplined, or
3 33 threatened with discharge or discipline in retaliation for
3 34 exercising the rights of the officer enumerated in this
3 35 section.

4 1 17. The rights enumerated in this section are in addition
4 2 to any other rights granted pursuant to a collective
4 3 bargaining agreement or other applicable law.

4 4 18. A municipality, county, or state agency employing an
4 5 officer shall not publicly release the officer's official
4 6 photograph without the written permission of the officer or
4 7 without a request to release pursuant to chapter 22.

4 8 19. If a formal administrative investigation results in
4 9 removal, discharge, suspension, or disciplinary action against
4 10 an officer, and the officer alleges in writing a violation of
4 11 the provisions of this section, the municipality, county, or
4 12 state agency employing the officer shall hold in abeyance for
4 13 a period of ten days any punitive action taken as a result of
4 14 the investigation, including a reprimand. An allegation of a
4 15 violation of this section may be raised and given due
4 16 consideration in any properly authorized grievance or appeal
4 17 exercised by an officer, including but not limited to a
4 18 grievance or appeal exercised pursuant to the terms of an
4 19 applicable collective bargaining agreement and an appeal right
4 20 exercised under section 341A.12 or 400.20.

4 21 SF 457
4 22 jm/cc/26